

ORDINARY COUNCIL MEETING 27th July 2020



NOTICE OF MEETING

The Ordinary Meeting of the Belyuen Community Government Council will be held in the Council Offices, Belyuen community commencing at 5.00pm.

Cathy Winsley - CEO

AGENDA

ORDINARY COUNCIL MEETING

27th July 2020

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1 OPEN MEETING

The meeting will be declared open at 5:00PM.

2 APOLOGIES AND LEAVE OF ABSENCE

Report Number 2.1.7.20
Author Cathy Winsley - CEO
Attachments Nil

Summary

This report is to table, for Council's record, any apologies and requests for leave of absence received from Elected Members for the Ordinary General Meeting held on 29th June 2020.

Background

Not applicable.

Comment

Council can choose to accept the apologies or requests for leave of absence as presented, or not accept them. Apologies or requests for leave of absence that are not accepted by Council will be recorded as absence without notice.

Statutory Environment

As per the Local Government Act s.39 (1) A person ceases to hold office as a member of a Council if the person: (d) is absent, without permission of the Council, from 2 consecutive ordinary meetings of the Council.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the apologies for Cr _____ for the Ordinary Council Meeting 27th July 2020.

Moved:

Seconded:

3 DECLARATION OF INTEREST

Report Number	3.1.7.20
Author	Cathy Winsley - CEO
Attachments	NIL

Summary

Elected members and staff are required to declare any conflicts of interest arising from the matters contained in this agenda.

Background

Elected Members are required to disclose an interest in a matter under consideration by Council at a meeting of the Council or a meeting of a Council committee by:

- 1) In the case of a matter featured in an officer's report or written agenda item by disclosing the interest to the Council by disclosure as soon as possible after the matter is raised.
- 2) In the case of a matter raised in general debate or by any means other than the printed agenda of the Council by disclosure as soon as possible after the matter is raised.

The Council may elect to allow the Member to provide further and better particulars of the interest prior to requesting him/ her to leave the Chambers.

Staff Members of the Council are required to disclose an interest in a matter at any time at which they are required to act or exercise their delegate authority in relation to the matter. Upon disclosure the Staff Member is not to act or exercise his or her delegated authority unless the CEO or Acting CEO expressly directs him or her to do so.

Comment

NIL

Statutory Environment

- Local Government Act s73 & s74 (Elected Members).
- Local Government Act (2008) s107 Conflict of interest (Staff Members)

Policy Implications

Conflict of Interest – Code of Conduct.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the declarations of interest for the Ordinary General Meeting held 27th July 2020.

Moved:

Seconded:

4 DEPUTATIONS AND PRESENTATIONS

Council notes the presentations from the following:

Steven Kabasiweicz – Senior Planner for the DLGHCD

Mr Kabasiweicz will be discussing with the Council the development of a Community Land Use Plan (CLUP) for the Belyuen community.

5 CONFIRMATION OF PREVIOUS MINUTES

Report Number

5.1.7.20

Author

Cathy Winsley - CEO

Attachments

Unconfirmed Minutes of the Meeting 29th June 2020

Summary

Minutes of the Ordinary General Meeting and confidential session held on 29th June 2020 are submitted to Council for confirmation that those Minutes are a true and correct record of the meetings.

Statutory Environment

The Minutes as submitted must comply with part section 67(2) Local Government Act 2011 and that confirmation of Minutes is compliant with section 67(3) of the Local Government Act 2011.

Policy Implications

Not applicable

Financial Implications

Not applicable.

Recommendation

That the Minutes of the Ordinary General Meeting held on 29th June 2020 and the Confidential Minutes of the Meeting 29th June 2020 be confirmed by Council as a true and correct record of the meeting.

Moved:

Seconded:

6 PRESIDENT'S REPORT

Report Number	6.1.7.20
Author	President Zoe Singh
Attachments	Nil

Summary

The President reports to Council on her activity and any items of importance that have arisen since the last ordinary Council meeting.

Comment

The President gave a verbal report of her activities since the last council meeting.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the President's Report.

Moved:

Seconded:

7 CEO REPORTS

7.1 Incoming and Outgoing Correspondence

Report Number	7.1.7.20
Author	Cathy Winsley - CEO
Attachments	Various letters below

Background

Council is provided with items of correspondence both received and sent during the months of May/June 2020

Hard copies are available to Council on the day of each Ordinary Council meeting for perusal, with additional copies available on request to individual Elected Members.

The correspondence inwards and outwards will be tabled at every meeting or included in agenda items as part of the background information for that particular issue.

Comment

The following correspondence has been received or sent during the period June to July 2020.

Correspondence In

Ref	Date	From	Regarding
1		The Hon Michael McCormack MP and The Hon Mark Coulton MP	Offer of \$14,994 funding under the Local Roads and Community Infrastructure Program
2	10/07/2020	Matina Economos Operations Controller CareFlight	Dust experienced when landing helicopter on the community oval
3	13/07/2020	Chief Minister Gunner	Coronavirus Update
4	14/07/2020	Claire Butler Senior Consultant True North Strategic Communication	Information on Core Lithium’s proposed underground mine at its BP33 site and an update on the approved Grants Lithium project.

Correspondence Out

	Date	To	Regarding
4	16/07/2020	Maree De Lacey	Training requirements for the Council
5	16/07/2020	Minister Fyles	CareFlight

Consultation

Not applicable.

Statutory Environment

Not applicable.

Policy Implications

Not applicable.

Financial Implications

Nil

Recommendation

That Council

- 1. Receives and notes the Incoming and Outgoing Correspondence Report tabled at the Council meeting 27th July 2020.***
- 2. Invites Claire Butler Senior Consultant from True North Strategic Communication to present to the Council on Core Lithium’s lithium projects.***

Moved:

Seconded:

7.2 Report from the CEO

Report Number	7.2.7.20
Author	Cathy Winsley - CEO
Attachments	Remote Voting News Article – Airstrip Letter Belyuen Community Government Council.PDF PROJECT RESPONSE FORM.PDF Map BYJN - Haul Plan Rev_2.pdf

Summary

Each meeting the CEO provides an update on activities and issues facing the Council.

Comment

Remote Voting Locations

The next Territory election will be officially held on Saturday 22 August 2020. The NT Electoral Commission (NTEC) has published the remote polling booth locations and schedule and the NTEC will be holding a booth in the Council Offices in Belyuen on Monday 10 August 10:15 am - 1:15 pm. See attached flyer from NTEC for additional locations.

Posters will be displayed that advertise this date and time.

In anticipation of the election, there are some important dates to remember:

Friday, 31 July 2020	Electoral roll closes
Monday, 10 August 2020	Early and mobile voting commences
Thursday, 20 August 2020	Postal mail-out ceases to Australian addresses
Friday, 21 August 2020	Early voting ceases

Meeting with CareFlight

On the 10th July, the Council received a letter regarding the dust caused by the Careflight helicopter landing. I met with Careflight and will present the outcomes at the Council meeting.

Airstrip Maintenance

On the 7th July 2020, the Federal Department of Infrastructure, Transport, Regional Development and Communications announced that it will be undertaking Territory-Wide Coordinated Wind Indicator and Signal Circle Upgrade Program. I have also been in contact with the Department of Infrastructure to determine when the proposed sealing of the airstrip will occur – please see attached news release. I will present the outcomes of the discussion to the meeting.

Telstra Low Impact Works

Telstra wrote to the Council seeking permission to undertake works to install a 1 x P5 pit and haul approx. 200m of cable in existing and new conduit. The works are anticipated to commence on the 30th

July and take approximately 10 days to complete. According to the correspondence the works will have low impact:

Anticipated Effect: Construction to be confined to footways & established alignments.
Minor soil disturbance (short term result of installation works).
Minimal disturbance is anticipated.

Proposed Remediation: Telstra's staff and contractors will follow all applicable industry standards in the installation of its facilities.

Care & appropriate precautions taken at all times to ensure public safety.

The removal of any residue soil / rock from site caused by Telstra's installation.

Due to the timing of the commencement of works, approval was given.

Statutory Environment

Not applicable.

Financial Implications

Not applicable.

Recommendation

That Council receives and notes the report from the CEO for the period June to July 2020.

Moved:

Seconded:

8 OFFICER REPORTS

8.1 Review of Constitutional Arrangements

Report Number	8.1.7.20
Author	Cathy Winsley - CEO
Attachments	Draft Report - Review of constitutional arrangements for the Belyuen Community Government Council's electoral representation

Summary

The Council is required to undertake a review of its constitutional arrangements at least once during every term of the Council. This report presents a constitutional review and recommends incorporation into the Shire Plan as required by section 23 of the Act.

Comment

The Council is required to assess the effectiveness of the constitutional arrangements for electoral representation of the council's area at least once during each term of Council. In order to meet the

legislative requirements, a review has been undertaken with the assistance of the Department of Local Government. The review covers:

- community of interests in the local government area including economic, social and regional interests;
- types of communication and travel in the local government area with special reference to disabilities arising out of remoteness or distance;
- the trend of population changes in the local government area;
- the density of population in the local government area;
- the physical features of the local government area.

The review has concluded that the current constitutional arrangements still provide effective electoral representation and that there be no proposed changes to the current constitutional arrangements.

Statutory Environment

Section 23 *Local Government Act 2008*

Section 63 *Local Government (Electoral) Regulations 2008*

Financial Implications

Not applicable.

Recommendation

That Council receives and adopts the Draft Report - Review of constitutional arrangements for the Belyuen Community Government Council's electoral representation and includes the report in the 2020-21 Shire Plan.

Moved:

Seconded:

8.2 Review Comments, Adopt Regional Plan and Declare Rates

Report Number	8.2.7.20
Author	Cathy Winsley - CEO
Attachments	Shire Plan 2020-21 v3 Rates Assessment Record Certification Rates Declaration 2020-21 Feedback from the DLGHCS

Summary

Council approved the Draft 2020-21 Regional Plan at the Ordinary Council meeting of 29 June 2020 which was then made available for public comment for 21 days as per section 24(2) of the Local Government Act 2008. Council must consider and make revisions (if it deems appropriate in light of submissions made in response) to the draft, or not, and once adopted declare its Rates and Charges for the financial year 2020/21.

Comment

There was one submission received during the advertising period as attached.

Under section 24(1) of the *Local Government Act 2008*, the council must adopt a plan between 1 April and 31 July of each year. If the Council is unable to adopt the Shire Plan, the council will be required to request an extension from the Minister.

Statutory Environment

Part 3.2 of the *Local Government Act 2008* refers.

Financial Implications

As outlined in the Shire Plan.

Recommendation

That Council adopt the tabled 2020-21 Regional Plan for the Belyuen Community Government Council and:

- a) note and accept the Rates Assessment Record Certification made by the CEO on 6 July 2020 as tabled;***
- b) declare Rates and Charges for the 2020/21 financial year as per the attached "Declaration of Rates & Charges 2020/21" and included within the Shire Plan;***
- c) adopt the Budget for the 2020/21 financial year as presented within the 2020-21 Shire Plan;***
- d) note the comments received and the content amendments to the draft plan as described in the attached documents;***
 - i. Inclusion of Report - Review of constitutional arrangements for the Belyuen Community Government Council's electoral representation***
 - ii. Department of local Government, Housing and Community Development comments on the draft plan***
 - iii. Officer identified typos and amendments***

Moved:

Seconded:

8.3 Policy Manual

Report Number	8.4.7.20
Author	Cathy Winsley - CEO
Attachments	Various Policies see below

Summary

The Council’s policy framework is being reviewed as part of the consultancy project being undertaken by Cathryn Hutton. The Council is being presented with a range of policies for their consideration and approval.

Comment

The operations and governance of the Council are managed by a range of Policies and Procedures. The policies adopted by Council establish a set of rules by which the Council operates. Many of these policies are required by legislation.

The following policies have been drafted to meet the Council’s legislative requirements – both is the current Local Government Act and in the new Act that will come into effect in 2021.

This is the first set of policies being presented to Council. Further policies will be presented from time to time to ensure the full suite of policies has been developed.

Ref	Name of Policy	Legislation reference (new Act unless specified)
Policies relating to the Elected Members		
EM01	Code of Conduct Under section 77 of the Act, a council must have a code of conduct. This code of conduct contains the code legislated in the new act and will thus meet both old and new requirements.	S77 current act and legislated in new act
EM02	Contravention of the code of conduct The new Act requires the Council to have a policy specifying how it will manage breaches of the Code of Conduct. This policy is a basic policy following the procedural guidelines recommended by the Department.	s121
EM03	Confidential Information This policy deals with how the Council deals with information dealt with as “confidential” during council meetings.	Reg s51
EM04	Conflict of Interest Councillors are required to declare any conflicts of interest. This policy outlines how the Council manages conflicts of interest and establishes the registers required by the new Act.	s116
EM06	Gifts or benefits received by council members From time to time, Elected Members may be offered gifts or benefits. This policy has been developed to provide guidelines for the appropriate, consistent, and transparent treatment of offers of or receipt of gifts and benefits by Elected Members.	s112(1)
EM07	Privacy and Confidentiality	s206(3)

	The policy ensures that the public, other elected members and staff of the council are protected from undue intrusion into their private affairs.	
Finance related policies		
FIN01	Corporate Credit Cards. Ensure that the credit cards are managed effectively within the Council	s197(2)(b)
Policies relating to the way the Council governs		
GOV01	Instrument of Delegations This document outlines what decision making has been delegated from the Council to the CEO.	s40
GOV02	Code of Conduct for CEO and Staff Under the new Act, the Council is required to establish a code of conduct for the CEO. This Code of Conduct has been drafted so that it applies to all staff including the CEO.	s175
Human resource related policies (employee and employment related)		
HR01	Recruitment and Promotion	s172(a)
HR02	Training and Development	s172(b)
HR03	Grievance Resolution	s172(d)
HR04	Work Health and Safety	s172(e)
HR05	Anti-Discrimination (Bullying)	s172(f)
HR06	Probation and Performance Management	s173(2)a(ii)

Statutory Environment

The policies have been prepared to comply with the *Local Government Act 2019*. In accordance with the Transitional Arrangements outlined in section 365, a policy adopted “before the commencement is taken to have adopted the policy under the section of the new Act specified if the policy has been adopted in accordance with the new Act.”

Please see specific policies for legislative references.

Financial Implications

Not applicable.

Recommendation

That Council adopts the following policies as tabled:

- Code of Conduct***
- Contravention of the code of conduct***
- Confidential Information***
- Conflict of Interest***
- Gifts or benefits received by council members***
- Privacy and Confidentiality***
- Instrument of Delegations***
- Code of Conduct for CEO and Staff***
- Gifts or benefits received by CEO***

Recruitment and Promotion
Training and Development
Grievance Resolution
Work Health and Safety
Anti-Discrimination (Bullying)
Probation and Performance Management

Moved:

Seconded:

8.4 Writing-Off Assets

Report Number	8.5.7.20
Author	Cathy Winsley - CEO
Attachments	Asset Register CEO Certification Items for write-off

Summary

The Council is being asked to approve the write-off of assets that have been misappropriated, destroyed or damaged beyond economic repair or cannot be found.

Comment

A stock-take and asset review was undertaken in the lead up to the end of the financial year. The review has identified a number of items that should be removed from the Council's asset register. In accordance with Section 23 of the Local Government (Accounting) regulations, I certify that that these items have been misappropriated, destroyed or damaged beyond economic repair or cannot be found. Please refer to attached schedule for details of items subject to write-off.

Statutory Environment

Section 23 *Local Government (Accounting) Regulations*

Financial Implications

Not applicable.

Recommendation

That Council approves the write-off of assets as detailed in tabled schedule.

Moved:

Seconded:

9 FINANCIAL REPORTS

9.1 Monthly Financial Report

Report Number	9.1.7.20
Author	Cathy Winsley - CEO
Attachments	Financial report May 2020

Summary

The Council is provided with a financial report at each meeting.

Background

Not applicable.

Comment

Please refer attached financial report.

Statutory Environment

Section 18 of the Local Government Accounting Regulations 2008 refers.

Financial reports to Council –

- 1) The CEO must, in each month, lay before a meeting of the Council a report, in a form approved by the Council, setting out:
 - a) the actual income and expenditure of the Council for the period from the commencement of the financial year up to the end of the previous month; and
 - b) the forecast income and expenditure for the whole of the financial year.
- 2) The report must include:
 - a) details of all cash and investments held by the Council (including money held in trust); and
 - b) a statement on the debts owed to the Council including the aggregate amount owed under each category with a general indication of the age of the debts; and
 - c) other information required by the Council.

Policy Implications

Not applicable

Financial Implications

See the body of this report.

Recommendation

That Council accept the financial reports for the period June 2020 as tabled in this report.

Moved:

Seconded:

10 QUESTIONS BY MEMBERS

Members are invited to raise any questions.

11 GENERAL BUSINESS

Call for any other general business.

12 CONFIDENTIAL ITEMS

NIL

13 NEXT COUNCIL MEETING

The next Ordinary Meeting of Council be held on 24 August 2020 at the Belyuen Council Offices, Belyuen commencing at 5:00PM.

Attachments

Agenda Item	Attachment
5.1	Unconfirmed minutes 29 June 2020
7.1	Incoming and outgoing correspondence
8.1	Draft report on review of constitutional arrangements
8.2	Shire Plan Feedback
8.3	Telstra request to undertake low impact works
8.4	Policy manual
8.5	Asset register CEO Certification
9.1	Financial report